

REMARKS

Claims 1-9, 11, 12 and 14 are pending in the present application.

Claims 1 and 14 were withdrawn as drawn to a non-elected invention and are now canceled.

Claims 2-9, 11 and 12 stand finally rejected under 35 USC § 112.

Claim 2 has been amended to more clearly define applicants' invention

Claim 9 has been canceled herein and the limitations of claim 9 have been incorporated into claim 2

The paragraph numbers below correspond to those in the present action

No new matter has been added.

Title

3. Applicants thank the examiner for the withdrawal of the objection to the title.

Objections to the Claims – withdrawal

4. Applicants thank the examiner for the withdrawal of the objections to claims 3-9, 11 and 12 in view of previous amendments to the claims.

Claim Rejections - withdrawal

5. Applicants thank the examiner for the withdrawal of the rejections of claims 2-9, 11 and 12 under 35 USC § 112, 2d paragraph in view of previous amendments to the claims.

Claim Rejections – 35 USC § 112, 1st paragraph

6 - 8. Claims 2-9, 11 and 12 remain rejected under 35 USC § 112, 1st paragraph for failing to comply with the written description requirement and for lack of enablement. The examiner is of the opinion that the specification only adequately describes the *yhcP* gene from *E. coli* as set forth in SEQ ID NO:1 and the *yhcQ* gene from *E. coli* as set forth in SEQ ID NO:2. Similarly the examiner finds that the specification is only enabling for the use of the genes defined by SEQ ID NO:1 and 2 for use in methods for increasing the resistance of a host cell to aromatic carboxylic acids. Applicants traverse.

The claims have been amended so as to be limited in scope to the use of *yhcP* gene from *E. coli* as set forth in SEQ ID NO:1 and the *yhcQ* gene from *E. coli* as set forth in SEQ ID NO:2. In view of these amendments applicants submit that the claims comply with all aspects of 35 USC § 112 and are allowable.

Should there be any fee due in connection with the filing of this Amendment please charge such fee to Deposit Account No. 04-1928 (E. I. du Pont de Nemours and Company).

Respectfully submitted,

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